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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,852	02/08/2002	Gordon Haas	HAAS-1	9666

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EXAMINER

MILLER, BENA B

ART UNIT

PAPER NUMBER

3712

DATE MAILED: 10/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,852

Applicant(s)

HASS GORDON

Examiner

Bena Miller

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 10 is objected to because of the following informalities: in line 2, after the word "width", a period -- . -- should be inserted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, there is lack of antecedent basis for the limitation "said loop strips".

Regarding claim 7, it is unclear to the examiner as to whether or not the hook strips are positioned on the sides of the panels or the flap. For example only, line 4 of claim 1 recites the hook strips being positioned on the sides of the panels whereas in claim 7 recite the hook strips positioned on a flap. Further, there is lack of proper antecedent basis for the limitation "said panel". Clarification of the scope of the claim is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3712

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Shillito et al.

Shillito et al teaches in figures 1-3 a toy building construction set comprising a plurality of geometrically shaped thin panels (fig. 2, 11 and 15) having a soft texture (col. 2, par. 6), hook strips positioned at sides of the panels (22, fig. 2; it should be noted in col. 2, par. 9, Shillito et al teaches that the cover member has VELCRO adjacent of two opposed sided edges and tabs 23 form fasteners to secure the members).

Regarding claims 5 and 6, Shillito et al further teaches an outer plastic covering (17, col. 2, par. 6).

Claims 1, 3, 4, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Dodge.

Regarding claim 1, Dodge teaches in figures 1-5 a toy building construction set comprising a plurality of geometrically shaped thin panels (fig. 1a, 14, 12 and 18) having a soft texture (col. 2, par. 3) and hook strips (22, col. 3, par. 9) positioned at sides of the panel.

Regarding claim 3, Dodge further teaches resilient panels (col. 2, par. 2).

Regarding claim 4, Dodge further teaches flexible panels (col. 2, par. 2).

Regarding claim 8, Dodge further teaches angular shaped panels (fig. 1a).

Regarding claim 9, Dodge further teaches triangle panels (fig. 1a).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shillito et al.

Shillito teaches in the figures most of the claimed elements including a plurality of geometrically shaped thin panels (fig. 2, 11 and 15) having a soft texture (col. 2, par. 6), hook strips positioned at sides of the panels (22, fig. 2; it should be noted in col. 2, par. 9, Shillito et al teaches that the panels have VELCRO adjacent of two opposed sided edges and tabs 23 form fasteners to secure the members). However, Shillito fails to teach the materials as disclosed in the group consisting of polyurethane foam, rubber, neoprene, foam rubber and Styrofoam. Shillito teaches that the panels are layered with a compressible foam material 16 (col. 2, col. 2, par.5 and 6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a material selected from the group, as noted above, for the panels of Shillito for the purpose of providing a cushion and gripping action for the panels (col. 1, par. 7).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dodge.

Dodge teaches in the figures most of the claimed elements, including a plurality of geometrically shaped thin panels (fig. 1a, 14, 12 and 18) having a soft texture (col. 2, par. 3) and hook strips (22, col. 3, par. 9) positioned at sides of the panel. However,


Art Unit: 3712

Dodge fails to teach that the panels are between about one-half inch and about one inch in width. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the panels of Dodge between the about one-half inch and about one inch in width for the purpose of allowing the pieces to be difficult for infants and small children to put completely in their mouths (col. 4, par. 1).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Moravick et al teaches a jigsaw puzzle. Zimmer teaches a changeable book structure. Littlepage teaches a mailbox shaped doll and accessory carrier and blank therefore.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bena Miller whose telephone number is 703.305.0643. The examiner can normally be reached on Monday-Friday.


Bena Miller
Examiner
Art Unit 3712

bbm
September 30, 2002